

**CITY OF MILWAUKIE  
CITY COUNCIL MEETING  
APRIL 18, 2000**

**Oath of Office**

Municipal Court Judge Ron Gray administered the Oath of Office to City Council Position #3 appointee Brian M. Newman.

**Call to Order**

The one thousand eight hundred and thirty-seventh meeting of the Milwaukie City Council was called to order by Mayor Tomei at 6:00 p.m. in the City Hall Council Chambers. The following Councilors were present:

Jeff Marshall  
Mary King

Larry Lancaster  
Brian Newman

Also present:

Dan Bartlett,  
City Manager  
Tim Ramis,  
City Attorney  
Charlene Richards,  
Assistant City Manager  
Martha Bennett,  
Assistant City Manager

Sue Stepan,  
Public Works Director  
Grady Wheeler,  
Information Specialist  
Brion Barnett,  
Associate Engineer

**PLEDGE OF ALLEGIANCE**

**PROCLAMATIONS, COMMENDATIONS, SPECIAL REPORTS AND AWARDS**

**Website Presentation**

**Jared Kellum**, Milwaukie High School Tech Cadre, and **Wheeler** introduce the website to the City Council and audience. Wheeler recognized Mike Reed and Jeff Linman who were not able to attend the session. The Tech Cadre provides technical services to the community in addition to hosting websites for numerous non-profit organizations. Wheeler indicated the website would be ready in about two week at [www.cityofmilwaukie.org](http://www.cityofmilwaukie.org).

**Kellum** gave a demonstration of the website as it will appear.

**Councilor Newman** suggested that the calendar of City events have its own page so citizens can find it more easily, and **Mayor Tomei** added that it needs to be kept as current as possible.

**Councilor Lancaster** suggested linking a map to the meeting locations.

## **CONSENT AGENDA**

**It was moved by Councilor Marshall and seconded by Councilor King to adopt the Consent Agenda that consisted of the following:**

- 1. City Council Minutes of March 21 and April 4, 2000**
- 2. Acceptance of Easements for Roswell Sidewalk Project**
- 3. Liquor License Application for J & J Little Store, 2936 SE Washington Street, Change of Ownership**
- 4. Liquor License Application for Adeh, Inc., 11056 SE Main Street, Change of Ownership**

**Motion passed unanimously.**

## **AUDIENCE PARTICIPATION**

**Richard Cayo**, 4203 SE Johnson Creek Boulevard. At one time, he offered the City his historic aircraft at no charge, but he was rebuffed by the previous Mayor. Not long after that, neighbors indicated they liked the idea but had heard nothing about the offer. The City's leaders are making decisions without involving citizens. The current tree ordinance and boat ramp issues are examples of citizens not being aware until it is too late. Cayo discussed how the proposed tree ordinance would affect his property and make it virtually useless. He urged letting people vote on any actions that would impact their properties. What people can vote on is the recall of the Mayor and one Councilor. He said he would respond to Councilor Marshall's question about who he thought owned the Milwaukie Jr. High property after he did some research.

**Joe Loomis**, 3610 SE Filbert Street, Kids First and Milwaukie Jr. Baseball. He had not had time to watch the Council work session video or review the staff report relating to the Jr. High property. He restated that Kids First will not support a bond measure until all other options are explored. People have told him that the City can acquire the property without a bond measure by purchasing it outright or developing a financing plan with the School District. With agencies like Head Start interested in occupying portions of the building, grants would be very likely. He also understands that, because of the geographical location of the building, it would be eligible for Community Development Block Grant (CDBG) funds to help pay for seismic upgrades. He requested that the City Council direct staff to prepare a "no bond measure" proposal for the Budget Committee without slashing basic services. With the timeline for closing Milwaukie Jr. High pushed out one year, he felt the City could start saving money and work on a financing

agreement with the School District Board. Four areas of support will make the Milwaukie Community Center possible: community, City, School District, and business. He announced a citizen-sponsored town hall at Rowe Middle School on April 30 at 5:00 p.m.

**Sharon Van Horn**, 3011 SE Balfour. She provided an update on the Skateboard Park to be built at Clackamette Park. The project will likely start in July and be completed in September or October. She made an appeal for building material donations and asked people to call Jim Row at 657-8273.

**Dave Worsely**, 4722 SE Jackson Street. He agreed with Loomis' comments and was pleased with Bartlett's staff report regarding acquisition of the Jr. High site. He asked that the City Council and staff explain to local youth why the BMX area they built near the intersection of Monroe and Oak Streets was graded.

**Bartlett** said the area the youth developed for the BMX track is owned by the McFarland Company and was in a pit dug for ground contamination remediation. In addition to some resident complaints, emergency services also reported injuries. After being notified of these concerns, McFarland contracted to have the attractive nuisance removed and posted the property for no trespassing. This type of youth activity shows the need for a BMX park in the area.

**Worsely** said this was an important message to the youth so that they could understand there are problems with that type of use.

**Councilor Marshall** also heard a message that there is a need for more parks in the community.

**Worsley** felt the youth would like to be involved in the design of any future BMX park and have a sense of ownership in its development.

**Mart Hughes**, 3006 SE Washington Street. At the previous Council meeting, he brought up the problem of an abandoned vehicle in front of his home. The shift sergeant canvassed the neighborhood and identified the owner who then removed the vehicle. He commended the police department for its prompt and thorough work and also recommended a review of the City's abandoned vehicle ordinance.

**Bartlett** said former Chief Collier had begun the ordinance revision project, and it is a matter of getting it re-started.

## **OTHER BUSINESS**

**It was moved by Councilor Marshall and seconded by Councilor King to waive Council rules in order to consider two new agenda items. Motion passed unanimously.**

## **Junior High Site Purchase**

**Bartlett** provided a staff report recommending that Council rescind resolution 39-1997 that declared the need to acquire the Milwaukie Jr. High property for city offices, park land, and other civic uses. He proposed a resolution that would declare the need to acquire that property in order to establish or enlarge public recreation and accommodation facilities. He recommended that the City Council adopt the resolution prior to its executive session with the School Board on May 3, 2000. He further recommended dropping the November 2000 bond proposal.

He reviewed the revised project timelines based on the probable construction delays that would push the move to Rowe Middle School out by one year. He also proposed a tenant committee to develop occupancy and business plans for the building in order to reduce the overall public cost. There is currently a list of seventeen agencies interested in occupying the building. He discussed funding and certificates of participation. Existing funds would be used to hire an architect familiar with historic buildings and a financial advisor to determine actual costs and identify funding options. If needed, the City could go out for a bond on the May 2002 ballot, and occupancy could be in 2003.

This City Council can say that it does not want housing, but state law provides that one Council cannot bind a future Council. If a future Council does change this decision, funds from the sale of any property would go back to parks operations or replace the park land in an equivalent amount. Statute would allow the City to take property that is underutilized or identified as blighted.

**Councilor Newman** asked what uses might be restricted if the City Council adopted the proposed resolution.

**Bartlett** said the 1997 resolution allowed any public purpose on the property including civic offices. The proposed resolution requires that there be a public accommodation or park land.

**Councilor Marshall** felt this recommendation showed that the City Council was listening to citizens and was certainly a move in a more positive direction. It responded to the overwhelming community support to acquire the site and to preserve it for future generations. He supported the proposed resolution and the message it sends to the community.

**Councilor Lancaster** liked this approach in that it reserves a quality public place for children and citizens of all ages to recreate.

**Councilor King** said many people in the community feel that the Jr. High is the heart of the community. In order to give the community time to consider the new proposal, she recommended scheduling the resolution for adoption at the May 2, 2000, Council meeting.

**Mayor Tomei** supported the resolution and agreed that it would be good to give people time to review the document and offer feedback.

**Bartlett** said he would provide this information to the Budget Committee for its April 24, 2000, meeting. He will recommend that the bond be removed from the proposed budget.

**It was moved by Councilor Marshall and seconded by Councilor Newman to table action on the proposed resolution until May 2, 2000. Motion passed unanimously.**

**Councilor Marshall** thanked Bartlett for identifying this creative solution.

**Oregon Parks and Recreation Department Local Government Grant Program -- Lewelling Neighborhood Park Development and Lake Road Neighborhood Park Development -- Resolutions**

**Richards** provided the staff report in which the City Council was requested to consider resolutions that would authorize the City to apply for Oregon Parks and Recreation Local Government Grants to develop the Lewelling Neighborhood Park and to acquire property for a Lake Road neighborhood park.

When staff received notice of this grant opportunity, they identified ways to leverage funds that had already been spent on the Stanley/Willow property and budgeted acquisition funds. The Stanley/Willow site in the Lewelling neighborhood has moved along rapidly as a result of neighborhood involvement and volunteer efforts. If the grant is awarded, the City's match will be the money it already spent on land acquisition.

The second grant area is south of Lake Road. Staff is looking at the feasibility of purchasing some or all of an estate property to meet the needs of the Lake Road neighborhood. There is not enough money in the parks acquisition fund to purchase this property, so staff is looking to leverage the funds that are available through this grant. The maximum allowable grant is \$250,000, and the City has existing funds to cover the required \$125,000 match.

The proposed resolutions affirm the City Council's support of the applications and authorize the City Manager's signature.

**Councilor King** commended the Lewelling neighborhood for identifying the property and helping make a problem site into a park through volunteer efforts.

**Councilor Lancaster** asked if the City and Parks District would work together on this application to give it more weight.

**Richards** said the District will write letters of support, but it is applying for its own grants. She requested that the neighborhoods write letters of support to submit with the grant applications. Milwaukie is competing with other cities in Oregon for these limited funds.

**Bartlett** added that Milwaukie would not be able to apply for grants on its own if it had fully merged with the Parks District. The City kept ownership of the property and contracts for maintenance and operations.

**Councilor Newman** asked if Milwaukie was deficient in park land.

**Richards** said Milwaukie is underserved based on its standards for the amount of parks and open space per thousand population.

**It was moved by Councilor King and seconded by Councilor Lancaster to adopt the resolutions authorizing the City to apply for Oregon Parks and Recreation Local Government Grants to develop the Lewelling Neighborhood Park and to acquire land for development of a future Lake Road Neighborhood park and authorizing the City Manager to sign the applications. Motion passed unanimously.**

**RESOLUTION NO. 11-2000:**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MILWAUKIE, OREGON, AUTHORIZING THE CITY OF MILWAUKIE TO APPLY FOR A LOCAL GOVERNMENT GRANT FROM THE OREGON PARKS AND RECREATION DEPARTMENT FOR DEVELOPMENT OF THE LEWELLING NEIGHBORHOOD PARK AND DELEGATING AUTHORITY TO THE CITY MANAGER TO SIGN THE APPLICATION.**

**RESOLUTION NO. 12-2000:**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MILWAUKIE, OREGON, AUTHORIZING THE CITY OF MILWAUKIE TO APPLY FOR A LOCAL GOVERNMENT GRANT FROM THE OREGON PARKS AND RECREATION DEPARTMENT FOR ACQUISITION OF THE LAND FOR DEVELOPMENT OF A FUTURE LAKE ROAD NEIGHBORHOOD PARK AND AUTHORIZING THE CITY MANAGER TO SIGN THE APPLICATION.**

## **COPS Grant**

**Bartlett** presented the staff report for Chief Kanzler requesting that the Council approve an application for additional police officers through the COPS universal program. He provided a four-year projection of expenses. This is one way to meet the goal discussed in the Budget Committee of adding one police officer annually. The governing body needs to approve the grant application.

**Mayor Tomei** asked what would happen if some of the tax limitation measures passed in November and positions could not be funded.

**Bartlett** said the City agrees to make a good faith effort to keep officers on, but there is no obligation in the federal grant if there has to be a layoff caused by funding problems.

**It was moved by Councilor Lancaster and seconded by Councilor Newman to approve the grant application for a single position. Motion passed unanimously.**

## **Other**

**Councilor Marshall** wished to clarify statements made by Richard Cayo. He understood that the planes Cayo offered the City were in pieces, and the community would have borne the costs of restoring them and building a museum. None of the Neighborhood District Associations (NDA) indicated that undertaking was either a priority or desire for the community. Cayo also indicated at the time of the offer that he would take them back if his investments did not work out.

**Mayor Tomei** recalled that the City Council did not turn down the offer but told Cayo that the proposal would be taken to the community. A few days after that, Cayo rescinded his offer.

**Councilor Marshall** said it was his recollection that the Council was concerned that this was not an appropriate use funds and did not show financial responsibility to Milwaukie taxpayers. He felt that point needed to be clarified for the community.

**Councilor King** thought there were probably other museums in the state that would be happy to have the planes.

**Councilor Newman** doubted if any museums would restore and house aircraft that might be taken back at some time.

**Councilor Lancaster** recalled there was a failure by the parties to adequately communicate which was destructive to the dialogue. In absence of information, people tend to think the worst, so the City needs to respond to people clearly and quickly.

**Councilor Marshall** asked staff to clarify if, under the proposed tree ordinance, a person operating a tree farm or nursery would be able to continue to do so without hindrance from the new regulation.

**Bennett** replied that nursery management was exempted in all drafts of the tree ordinance. There are several such operations in Milwaukie, and the City does not wish to negatively impact those properties.

**Councilor Marshall** discussed the Jr. High site. The Council's position is to do what is necessary to secure the site and ground, renovate the building, collaborate with the community on its use, and preserve the building and grounds for future generations. It has been important to go through the public process, but information seems to get turned around. Town halls tend to foster a lot of misinformation.

**Councilor King** commented that Historic Milwaukie Neighborhood District Association (NDA) members said they did not like the town hall process and would prefer to work in small interest groups. She was concerned that approach would leave people feeling like they were not involved.

**Councilor Newman** understood there was a small downtown/riverfront project group that is working through that process.

**Mayor Tomei** said the downtown meetings have been productive, but there are a lot of complaints about the Jr. High meetings.

**Councilor Newman** noted that it does take a lot of time to bring a large group of people up to speed, so subcommittees are effective in that respect.

**Mayor Tomei** was frustrated with citizens' criticism that they are not informed because the town hall meetings are all televised and replayed on channel 30. The tree ordinance is an example of an issue that has gone through a lengthy process including numerous Planning Commission work sessions and hearings.

**Councilor Lancaster** commented that he saw new people at each town hall meeting, so a lot of information has to be repeated to bring people up to speed. He was frustrated with people making statements that were patently incorrect. There needs to be an immediate, informed response before the incorrect statement is accepted by the public as fact.

**Mayor Tomei** was concerned about this type of situation escalating into arguments. For example, she had hoped the recent town hall meeting would have clarified issues rather than putting people in adversarial positions.

**Councilor King** has learned during her two years on the City Council that democracy is messy, but, in the end, it is democracy.

**Councilor Marshall** continued his list of concerns. After listening to the community, he recommended reassessing the proposals for the boat ramp and parking lot.

**Mayor Tomei** agreed there were a lot of community issues with the boat ramp. She was also concerned that the Council not take anything away from the Riverfront Board's decision. She understood there was a proposal to do phase 1 improvements north of the ramp.

**Bartlett** talked to the Board, and the consultant will look at improvement options to the north. He discussed the permitting process.

**Councilor Marshall's** final issue was to reiterate that all members of the Council are volunteers, live in Milwaukie neighborhoods, and pay taxes. He hoped that all parties would commit to moving forward and fostering better relationships and dialogue. He was frustrated with always hearing the negative side and urged people who supported plans and projects to speak up. He discussed the recent interview of four applicants for the vacant Council seat. This was the kind of interchange he hoped to have with the community. It was open, frank, and issue oriented; it was not a debate or an argument. He suggested moving the monthly open forum sessions into the Council Chambers.

**Mayor Tomei** agreed it was a positive experience and supported Councilor Marshall's suggestion. She wanted people to come forward with ideas of how the Council could more effectively work with the community.

**Councilor King** agreed with the comments and noted the interview session was visionary.

**Councilor Marshall** understood there was some hesitation on the part of downtown business and property owners to improve their stores and offices because they were not seeing any activity on the City's part. He assured the business community that work is being done on the downtown plan and the design code. Reliable Credit and ODS are investing in the downtown area, and soon there will be about 180 new jobs coming into the core area. The development community is knocking on Milwaukie's door. If the City continues to put the right pieces together, Milwaukie can become a viable, vibrant town.

**Councilor Lancaster** added that Milwaukie is putting together a long-range plan that will take time to implement. Be encouraged that things will begin to happen.

**Councilor Newman** appreciated the dialogue and the Council's clarifying the record on these community issues. He urged that these types of statements continue to go out to the community to clear up rumors and gossips. NDA meetings would be a good vehicle for doing this.

## **ADJOURNMENT**

**It was moved by Councilor Marshall and seconded by Councilor Lancaster to adjourn the meeting. Motion passed unanimously.**

**Mayor Tomei** adjourned the meeting at 7:50 p.m.

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Pat DuVal, Recorder